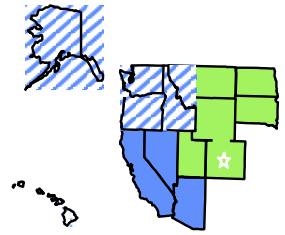




US Army Environmental Center
Western Regional Environmental Office
REGION 8 – APRIL 2003

WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500, Phone: (303) 844-0954, or e-mail: mgedgaud@rma.army.mil.

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DID YOU KNOW?

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE - PREVENTION OF SIGNIFICANT DETERIORATION (PSD)– On 10 March 2003 (68 FR 11316), EPA revised the applicable implementation plans concerning the PSD program mandated by the Clean Air Act. These revisions incorporate newly promulgated paragraphs of the Federal PSD rule into the federal implementation plan portion of a state's implementation plan where the state does not have an approved PSD State Implementation Plan in place. Specifically, the revisions incorporate new applicability provisions in the Federal PSD rules for baseline emissions determination, actual-to-projected-actual methodology, plant-wide applicability limitations, clean units, and pollution control projects. The changes are intended to ensure comprehensive and consistent implementation of the Federal PSD program by state, local, and tribal agencies where EPA has determined that they have the responsibility to implement the Federal PSD program. The rule was effective 3 March 2003. For further information, contact Lynn Hutchinson, EPA at (919) 541-5795, or e-mail: hutchinson.lynn@epa.gov.

WASTE INFORMATION:

REVISED GUIDANCE – SUPERFUND EXPOSURE ASSESSMENT UPDATE - EPA has posted an updated version of the Superfund risk assessment guidance, titled, "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites." The document is an update to the 1992 guidance originally developed to supplement EPA's Risk Assessment Guidance for Superfund that describes a general approach for estimating exposure of individuals to chemicals of potential concern at hazardous waste sites. The update is available at <http://www.epa.gov/superfund/programs/risk/ragsa/ucl.pdf>.

REVISED GUIDANCE – SOIL SCREENING AND INSTITUTIONAL SITE CONTROLS - EPA has posted guidance documents relevant to site remediation. The guidance documents are titled: (1) "Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites," and (2) "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups, August 2002." The guidance documents: (1) provide Superfund, brownfields, federal facility, UST, and RCRA corrective action site managers and site attorneys with an overview of responsibilities for the implementation, monitoring, and enforcement of institutional controls at their sites; and (2) discuss common issues site managers and site attorneys may encounter when carrying out the responsibilities. The respective guidance documents are available at http://www.epa.gov/superfund/resources/soil/ssg_main.pdf, and <http://www.epa.gov/superfund/action/ic/guide/icgdraft.pdf>.

WATER INFORMATION:

FINAL RULE – WITHDRAWAL OF JULY 2000 TMDL AMENDMENTS - On 19 March 2003 (68 FR 13607), EPA withdrew the final rule entitled “Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation” published on 13 July 2000. The July 2000 rule amended and clarified existing regulations implementing a section of the Clean Water Act (CWA) that requires states to identify waters that are not meeting applicable water quality standards and to establish pollutant budgets, called Total Maximum Daily Loads (TMDLs), to restore the quality of those waters. The July 2000 rule also amended EPA's National Pollutant Discharge Elimination System (NPDES) regulations to include provisions addressing implementation of TMDLs through NPDES permits. The July 2000 rule has never become effective. EPA withdrew the July 2000 rule because it believes that significant changes would need to be made to the July 2000 rule before it could represent a workable framework for an efficient and effective TMDL program. Furthermore, EPA needs additional time to decide whether and how to revise the currently effective regulations implementing the TMDL program in a way that will best achieve the goals of the CWA. The withdrawal of the July 2000 rule will not impede ongoing implementation of the existing TMDL program. The rule withdrawal will be effective 18 April 2003. For further information, contact Francoise Brasier, EPA at (202) 566-2385.

PROPOSED RULE – PROCEDURES FOR DETECTION AND QUANTITATION – On 12 March 2003 (68 FR 11770), EPA proposed revisions to the procedures for determining the sensitivity of analytical methods under the Clean Water Act (CWA). EPA's method detection limit (MDL) and minimum level of quantitation (ML) are used to define test sensitivity under the CWA. The MDL is used to determine the lowest concentration at which a substance is detected or is “present” in a sample. The ML appears in many EPA methods and has been used to describe the lowest concentration of a substance that gives a recognizable signal, or as a quantitation limit. The proposed revisions include clarifications and improvements that are based on a recent EPA assessment of the MDL and the ML and of alternative approaches for defining test sensitivity, peer review of the Agency's assessment, and earlier stakeholder comments on the existing MDL procedure. This proposal also revises the definition of the MDL to reflect the proposed revisions to the procedure. EPA's assessment of existing procedures for determining test sensitivity and alternative approaches was also made available for public comment in a separate notice in the Federal Register (68 FR 11791). Comments must be received by 10 July 2003. For further information, contact William Telliard, EPA at (202) 566-1061, or e-mail: telliard.william@epa.gov.

GENERAL INFORMATION:

NOTICE OF AVAILABILITY – DRAFT EPA 2003-2008 STRATEGIC PLAN - EPA has released its draft FY 2003-2008 Strategic Plan and requested public comments. The Plan lays out EPA's long-term goals and will be used as a guide for measuring progress and prioritizing environmental issues. The Strategic Plan is built around five goals, centered on the themes of air, water, land, communities and ecosystems, and compliance and environmental stewardship. In addition, the Plan discusses strategies EPA is applying across all five goals, in areas such as science, human capital, innovation, information, homeland security, and partnerships. The Plan is available at <http://www.epa.gov/ocfo/plan/2003sp.pdf>. Comments are due by 25 April 2003.

NOTICE OF AVAILABILITY – POLLUTION PREVENTION GRANTS - On 10 March 2003 (68 FR 11391), EPA announced the availability of approximately \$5 million available in fiscal year 2003 grant/cooperative agreement funds under the Pollution Prevention grant program. Grants/cooperative agreements will be awarded under the authority of the Pollution Prevention Act (PPA), subject to the availability of funds at the time of award. The PPA authorizes EPA to award grant funds to State, Tribal, and Intertribal Consortia programs that address the reduction or elimination of pollution across environmental media (air, land, and water) and to strengthen the efficiency and effectiveness of pollution prevention technical assistance programs in providing source reduction information to businesses. The notice describes the procedures and criteria for the award of these grants. For further information, contact Barbara Cunningham, EPA at (202) 554-1404, or e-mail: TSCA-Hotline@epa.gov.



GENERAL INFORMATION

NOTICE OF AVAILABILITY – GAO RECOMMENDATIONS FOR IMPROVING THE UST PROGRAM -

The Government Accounting Office (GAO) has released a report reviewing the underground storage tank program (GAO-03-529T). The report discusses the need for on-site inspection to establish compliance with monitoring and other requirements. The report indicates that officials in 40 states support a federal mandate requiring states to periodically inspect all tanks, in part because they expect that such a mandate would provide the states with needed leverage to obtain the requisite inspection staff and funding from their legislatures. For further information, contact John Stephenson, GAO at (202) 512-3841, or link: <http://www.gao.gov/new.items/d03529t.pdf>.

FINAL POLICY - EVALUATION OF CONSERVATION EFFORTS WHEN MAKING LISTING

DECISIONS – On 28 March 2003 (68 FR 15100), the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) finalized their policy for the evaluation of conservation efforts when making listing decisions under the Endangered Species Act. The policy identifies criteria the Services will use in determining whether formalized conservation efforts that have yet to be implemented or to show effectiveness contribute to making listing a species as threatened or endangered unnecessary. The policy applies to conservation efforts identified in conservation agreements, conservation plans, management plans, or similar documents. The policy establishes two basic criteria: (1) the certainty that the conservation efforts will be implemented (based on funding, authority, procedures, schedule) and (2) the certainty that the efforts will be effective. For further information, contact Chris Nolin, FWS at (703) 358-2171, or Margaret Lorenz, NMFS at (301) 713-1401.

NOTICE OF AVAILABILITY – SITE ASSISTANCE VISITS LESSONS LEARNED – The Army Environmental Center led an integrated government team in conducting a series of Staff Assistance Visits (SAV) to installations representing five of the Army's Major Commands. The SAVs were structured to promote open discussion, address installation concerns, and identify issues that must be further addressed by command and support activities. The "Site Assistance Visits Lessons Learned" document describes the observations and findings of the SAV team members, including such issues of concern as the Military Munitions Rule, including DoD's Implementation Policy, and other ancillary federal, DoD, and Army regulations and requirements. The document is available at <https://www.denix.osd.mil/denix/DoD/legislation/range/savs0202.pdf> (user account required).

EXECUTIVE ORDER 13287 – HISTORICAL PROPERTIES – On 5 March 2003 (68 FR 10635), the President issued Executive order 13287 "Preserve America." The order requires federal agencies to recognize and manage the historical properties in their ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values.



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

WATER RESOURCE MANAGEMENT WORKSHOP

15-16 April, 2003 – Denver, Colorado

The Federal Energy Management Program is presenting this workshop for facility resource managers responsible for water management and conservation, and for adherence to Executive Order 13123. The course will cover legislation and legal issues concerning water management in the federal sector; impacts of Executive Order 13123; opportunities for water conservation; auditing, leak detection and metering; drought management; and integrated resource planning. For more information or to register, link <http://www.pnl.gov/femp>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS

15-17 April 2003 – Anchorage, Alaska

26-28 August 2003 – Seattle, Washington

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

26TH ANNUAL CONFERENCE ON ANALYSIS OF POLLUTANTS IN THE ENVIRONMENT

29-30 April 2003 – Chicago, Illinois

EPA's Office of Water's Office of Science and Technology, and Battelle will co-sponsor the "26th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public. For information on registration, contact Jennifer Maglinao at (703) 461-2137, or e-mail: Jennifer.maglinao@DynCorp.com. For technical questions regarding the conference, contact Marion Kelly by e-mail at kelly.marion@epa.gov.

DSMOA TRAINING WORKSHOPS

30 April-1 May 2003 – Seattle, Washington

6-7 May 2003 – Anchorage, Alaska

DoD has announced its 2003 series of workshops for the DoD and State Memorandum of Agreements (DSMOA) training initiative. These workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. Both DoD and state DSMOA personnel are encouraged to attend. For more information or to register, link <http://www.enstg.com/conference>.

25TH SYMPOSIUM ON BIOTECHNOLOGY FOR FUELS & CHEMICALS

4-7 May 2003 – Breckenridge, Colorado

The National Renewable Energy Laboratory is sponsoring this symposium, which focuses on improving the economics of fuel and chemical production. The program will cover the latest research breakthroughs and results in biotechnology. A variety of formal technical sessions, poster sessions, and informal discussion groups will provide an exchange of information for attendees. For more information or registration, link http://www.nrel.gov/biotech_symposium.

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING**7-8 May 2003 – San Francisco, California****28-29 May 2003 – Seattle, Washington****16-17 July 2003 - San Diego, California (tentative)**

EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, contact Kaye McNissey at (206) 553-1616, or e-mail:

mcknissey.kaye@epa.gov

INTERMEDIATE HEALTH RISK COMMUNICATION WORKSHOP**12-15 May 2003 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

UXO BASIC TRAINING**13-14 May 2003 – Anchorage, Alaska****21 May 2003 – Colorado Springs, Colorado**

This Interstate Technology and Regulatory Council workshop is designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Topics include OE/UXO identification, safety concerns, regulatory requirements, conventional and innovative technology, site characterization, and remediation. For more information or to register, contact Stacey Kingsbury at (540) 557-6065, e-mail: stacey_kingsbury@wpi.org, or link: <http://www.ITRCweb.org>.

9TH NATIONAL CLEAN CITIES CONFERENCE**18-21 May 2003 – Palm Springs, California**

The Department of Energy is sponsoring this conference and exposition. Topics will include alternative fuel vehicles, energy security, and clean air. For more information or to register, link http://www.ccities.doe.gov/conference/palm/palm_home.shtml.

REAL WORLD CLEAN AIR SYMPOSIUM**19-22 May 2003 – Seattle, Washington**

This event will be sponsored by the U.S. Army Forces Command, Hill Air Force Base, Fort Irwin, and the West Coast Section, Air and Waste Management Association, with support from the Army Training and Doctrine Command, the Army Environmental Center, and EPA. Topics to be addressed include installation sustainability, Environmental Management Systems, installation air program management, pollution prevention, and homeland security. For more information, contact Michelle Kubal at (937) 254-7950, ext. 1168, e-mail mkubal@anteon.com, or link <http://www.usasymposium.com>.

11th ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM**19-22 May 2003 – Sparks, Nevada**

The Joint Ordnance Commanders Group and the National Defense Industrial Association are presenting this symposium to support DoD in efforts directed at reducing the stockpile of excess and obsolete munitions. Topics include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information, contact Paul Cole at (918) 420-8823, or link <http://www.ndia.org/events/brochure/3580/>.

SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP**20-21 May 2003 – Indianapolis, Indiana****22-23 July 2003 – Washington, DC**

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will

learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

FEDERAL ENERGY DECISION SYSTEM WORKSHOPS

21-23 May 2003 – Anchorage, Alaska

The Federal Energy Management Program is presenting two courses on the Federal Energy Decision System (FEDS). The Introduction to FEDS will be on 21 May, followed by a two-day advanced course. Participants will learn the features and capabilities of the FEDS 5.0 software and use it to quickly and objectively identify energy improvements for maximum cost-effective savings in accordance with life-cycle-costing methodology. For more information or to register, link <http://www.pnl.gov/femp>.

NATIONAL SOURCE WATER PROTECTION CONFERENCE

2-4 June 2003 – Washington, DC

EPA's Office of Water is presenting this conference to promote protection planning and coordination, foster partnerships, and identify opportunities that lead to successful implementation of drinking water protection. The conference is intended for Federal, state, local and tribal officials, interstate organizations, watershed managers, and members of environmental, public health, business, and citizens' organizations. For more information, link: <http://www.epa.gov/safewater/protect/swpconf.html>.

2003 ARMY CWA/SDWA WORKSHOP

2-5 June 2003 – Albuquerque, New Mexico

The Army is sponsoring this water issues workshop for Army environmental personnel to increase the understanding of the requirements and challenges of CWA and SDWA management at all levels of Army organization. The workshop will include presentations relevant to installation environmental concerns such as DoD perspective and insight, technical and regulatory updates, lessons learned at installations, and panel discussions. The final agenda is being developed. For more information, contact Kristin MacAulay at (937) 384-4242, e-mail: Kristin.MacAulay@westonsolutions.com, or link: <http://dm.westonproject.net/wiw/>.

AIR AND WASTE MANAGEMENT ANNUAL CONFERENCE & EXHIBITION

22-26 June 2003 – San Diego, California

AWMA will be presenting its 96th annual conference with the theme: "Environment in the Balance...THE JOURNEY AHEAD," and will focus on "Energy, Economy & Global Challenges." AWMA has issued a call for Abstracts and had posted a Technical Program grid on its website. For more information, link <http://www.awma.org>.

8TH ANNUAL JOINT SERVICES P2 & HAZARDOUS WASTE MANAGEMENT CONFERENCE

11-14 August 2003 – San Antonio, Texas

The Naval Facilities Engineering Command and the Air Force Center for Environmental Excellence are co-hosting this conference, which will provide an open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention and hazardous waste management. This year's theme is: "Sustaining Readiness Through Environmental Stewardship." A call for abstracts has been issued, with a closing date of 5 March 2003. For more information, link: <http://www.p2-hwmconference.com>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT

5-8 January 2004 – New Orleans, Louisiana

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. Abstracts are requested by 20 June 2003. For more information, link: <http://www.battelle.org/rangecon>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

Regulatory Developments & Other State Information

FINAL REGULATION – AMENDMENTS TO LEAD-BASED PAINT ABATEMENT PROGRAM – The Colorado Department of Public Health and Environment (CDPHE) has adopted amendments to its lead-based paint abatement program. The revisions incorporate recent federal regulatory changes, and revise the language regarding fees. The amendments were effective 2 March 2003. For more information, contact Douglas Lempke at (303) 692-3478.

TOXIC CHEMICAL RELEASE INVENTORY REPORTING WORKSHOP – EPA Region 8 is sponsoring a free workshop that provides comprehensive information and instruction to government facilities and businesses that must complete the Toxic Chemical Release Inventory Reporting Form under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). This reporting responsibility requires affected facilities to report annually for over 650 EPCRA Section 313 chemicals and chemical categories. A workshop focused on issues related to the manufacturing, petroleum bulk storage, chemical distribution, solvent recovery, and RCRA Subtitle C TSD industries will be held 10 April 2003 in Denver. For more information or to register, contact Jack Slater, EPA at (303) 312-6026, or Joyel Dhieux at (303) 312-6447.

BASIC ENVIRONMENTAL STAFF COURSE – Fort Carson is hosting a Basic Environmental Staff Course on 5-9 May 2003. The course will cover concepts of ecology, environmental relationships and pollution; the Army environmental program; environmental laws, regulations, and policies; environmental management considerations, required reports, and administrative procedures; and the preparation and evaluation of environmental documents. For more information or to register, contact Cathy Irwin at (719) 526-8317, or link: <http://www.almc.army.mil/curric.asp>.

AIR INFORMATION:

FINAL REGULATION – AMENDMENTS TO ASBESTOS PROGRAM – CDPHE has adopted amendments to its asbestos program regulations. The revisions incorporate statutory changes made during the 2001 regular legislative session in Senate Bill 121 regarding the regulation of asbestos abatement projects in single family homes and requirements for air monitoring specialists. The amendments also reorganize the rule and add language to make the requirements more readily understandable. The amendments were effective 30 March 2003. For more information, contact Douglas Lempke at (303) 692-3478.

FINAL REGULATION – REVISIONS TO GREELEY CARBON MONOXIDE MAINTENANCE PLAN – CDPHE has adopted amendments to its Greeley Carbon Monoxide Maintenance Plan in order to remove control strategies, including elimination of the I/M and the oxygenated fuels programs. CDPHE also adopted amendments to its Ambient Air Quality Standards Regulation, and Regulations Nos. 11 & 13. The amendments to the Greeley area carbon monoxide maintenance plan establish emission budgets in the Ambient Air Quality Standards regulation. The changes to Regulation No. 11 remove the Greeley area, specifically Weld County, from the automobile inspection and maintenance program. The changes to Regulation No. 13 remove Weld County from the oxygenated gasoline program area. The amendments

were effective 2 March 2003. For more information, contact Douglas Lempke at (303) 692-3478.

WASTE INFORMATION:

FINAL REGULATION – HAZARDOUS WASTE FEE INCREASE, CREATION OF FEES FOR LAND USE CONTROLS – CDPHE has adopted an increase in hazardous waste fees to adequately fund the hazardous waste program. The amendments include: 1) annual fees of \$390 for small quantity generators, and \$2470 for large quantity generators; 2) an increase in the TSD post-closure fee from \$2500 per acre to \$4000 per unit; 3) an increase in the ceiling fee for Class I modifications from \$1000 to \$2000; and 4) an annual fee of \$1000 for property subject to environmental covenants (land use controls). The amendments will be effective upon publication. For more information, contact Karen Osthus at (303) 692-3466.

FINAL REGULATION – SOLID WASTE DISPOSAL SITES – CDPHE has adopted amendments to its solid waste disposal sites and facilities regulations, specifically the Hazardous Substance Response Fund. The amendments concern: (1) the retention of the Hazardous Substance Response Fund fees, also known as the solid waste user fee; (2) clarification of the process for applying for any equivalent rate structure; and (3) the establishment of record keeping criteria for facility audits. The amendments were effective 30 March 2003. For more information, contact Linda Shearman at (303) 692-3464.

HAZARDOUS WASTE TRAINING – CDPHE'S Hazardous Materials and Waste Division is presenting a hazardous waste management workshop for environmental managers and compliance staff. The workshop will provide an overview of the State's hazardous waste regulations. It will be held at the Auraria Higher Education Center on 22 May 2003. There is a course fee of \$25. For more information, contact Claudette Ferris at (303) 692-3300, or e-mail: comments.hmwmd@state.co.us.

DISPOSAL OF COMPUTER EQUIPMENT - CDPHE has posted a computer brochure on its web site titled: "Responsible Management of Old Computers for Large and Small Businesses, Industry, Schools, and Government Agencies." CDPHE strongly encourages reuse and/or recycling of end-of-life computer equipment. Disposal is allowed only at permitted hazardous waste landfills. For more information, link: <http://www.cdphe.state.co.us/hm/electronicsrecyclingbrochure.asp>.

WATER INFORMATION:

FINAL GUIDANCE – MIXING ZONE AND BIOMONITORING GUIDANCE – The Colorado Water Quality Control Commission has approved the Water Quality Control Division's mixing zone guidance document, including revisions to the Biomonitoring (WET) Guidance provisions. The Biomonitoring (WET) Guidance Document now includes provisions that address mixing zones for WET in a manner similar to how the Basic Standards (Section 31.10) address mixing zones for individual chemicals. For more information, contact Diana Glaser at (303) 692-3469.

Legislative Developments

The 2003 legislative session convened 8 January. The information reported below was current as of 2 April. The Legislature will adjourn 7 May. For more recent information on the legislative session, link http://www.state.co.us/gov_dir/stateleg.htm.

COLORADO HB 1001 – WATER USE - Requires the Colorado Water Resources and Power Development Authority to subsidize the cost of issuance of bonds and notes for water management facilities that are raw water diversion or storage projects and that are jointly sponsored by two or more governmental agencies. Allows the state engineer to approve, after notice and comment, the operation of substitute water supply plans during a drought. Allows entities that pay for repairs necessary to remove a reservoir storage restriction imposed by the state engineer to apply for approval of the use of such storage as a drought substitute water supply plan. Introduced 26 February 2003. Passed House 4 March. The sponsor is Representative Diane Hoppe (R).

COLORADO HB 1008 – WATER USE - Authorizes the record or beneficial owner of a water right appurtenant to a land or water area to create a conservation easement in the water right. Specifies that if a mutual ditch company or irrigation district is the record owner of a water right, a conservation easement may be created in that water right only in accordance with the applicable requirements of the ditch company or irrigation district. Introduced 8 January 2003. Passed House 5 February. Passed Senate 17 March. The sponsor is Representative Lola Spradley (R).

COLORADO HB 1015 – AIR QUALITY - Delays for 5 years (until 1 July 2008) the first of a series of cumulative economic analyses of all air pollution control measures adopted by the state, to be undertaken by the Department of Public Health and Environment after public comment and review. Repeals a permit fee credit program for permittees that reduce their baseline level of emissions of regulated pollutants. Introduced 8 January 2003. Passed House 28 January. Passed Senate 20 March. The sponsor is Representative Rosemary Marshall (D).

COLORADO HB 1016 – INSPECTION AND MAINTENANCE PROGRAMS - Authorizes the air quality control commission to increase the effective duration of emissions compliance certifications issued for new motor vehicles. Authorizes the sale of a motor vehicle without obtaining an emissions test if the original new vehicle emissions certification does not expire within the next 12 months. Introduced 8 January 2003. Passed House 25 March. The sponsor is Representative Shawn Mitchell (R).

COLORADO HB 1035 – EXOTIC NUISANCE SPECIES - Authorizes a board of county commissioners to contract with another board to manage and control pests, including sharing costs and employees. Requires such contract to be in writing and contain the purposes, rights, responsibilities, and financial obligations of each county. Clarifies that such contracting authority does not supercede existing legal obligations. Repeals a prohibition on the creation of pest control districts for weed management. Introduced 8 January 2003. Passed House 20 January. Passed Senate 18 March. The sponsor is Representative Bob Briggs (R).

COLORADO HB 1046 – LAND USE – Modifies the current conservation easement law by allowing such easements to be created through a reservation by a governmental entity or through a reservation or grant by a charitable organization. Introduced 8 January 2003. Passed House 3 February. Passed Senate 24 March. The sponsor is Representative Alice Madden (D).

COLORADO HB 1053 – DIESEL EMISSIONS - Modifies the requirements for testing diesel vehicle emissions. Expands the model year exemption from two to four years for heavy-duty diesel vehicles. Decreases the frequency of tests from annual to biennial for heavy-duty vehicles that are 10 model years old or newer and at least model year 1995. Requires testing of all diesel vehicles routinely operated in the program area, even if such vehicles are not registered or housed in the program area. Authorizes the transfer of ownership of a diesel vehicle from the lessor to the lessee without an emissions test during the first four model years of the vehicle's life. Makes other changes to the program, including changing the definition of a heavy-duty diesel vehicle from a vehicle that exceeds 7,500 pounds empty weight to a vehicle that exceeds 14,000 pounds gross vehicle weight rating. Introduced 8 January 2003. Amended 15 January. Passed House 3 March. Passed Senate 25 March. The sponsor is Representative Ann Ragsdale (D).

COLORADO HB 1056 – WASTE - Extends from 1 January 2004 to 1 January 2009 two repeal dates relating to the expenditure of solid waste fees to fund response actions at solid waste landfills and national priority list sites. Introduced and referred to House Finance Committee 9 January 2003. Passed House 24 March. The sponsor is Representative Joe Stengel (R).

COLORADO HB 1090 – WATER - Prohibits water courts from decreeing a transmountain water right to an applicant who has the right to develop water from any of the Denver basin aquifers unless the applicant demonstrates that it is putting to beneficial use its maximum entitlement to such water. Introduced and referred to House Agriculture, Livestock and Natural Resources Committee 9 January 2003. Postponed indefinitely 20 February. The sponsor is Representative Carl Miller (D).

COLORADO HB 1092 – FORESTRY - Directs the Department of Natural Resources and its divisions that own forested land, in consultation and cooperation with the state forester, to actively manage all forested state lands

consistent with applicable laws and state best management practices. The Department, using the range of management options appropriate to the given forest ecosystem, will: (1) reestablish natural forest conditions; (2) reduce the threat of large, high-intensity wildfires in the wildland-urban interface; (3) sustain and promote natural habitat consistent with healthy forest conditions; and (4) conserve and restore, as appropriate, natural water yields from forested watersheds. Introduced 9 January 2003. Passed House 7 February. Passed Senate 28 March. The sponsor is Representative Al White (R).

COLORADO HB 1100 – LAND USE - Authorizes a municipality, a county, the Colorado State Forest Service, the Wildlife Commission, the Colorado Water Conservation Board, and the Air Quality Control Commission to coordinate with the U.S. Secretary of the Interior and the U.S. Secretary of Agriculture to develop resource management plans for federal lands within its jurisdiction pursuant to federal law. Introduced 9 January 2003. Passed House 7 February. Passed Senate 17 March. The sponsor is Representative Matt Smith (R).

COLORADO HB 1113 – WATER - Requires that a water judge include, in each decree for a water right that diverts agricultural water from one water division into another, conditions to address the direct economic effects of the diversion on the basin of origin. Introduced and referred to the House Agriculture, Livestock and Natural Resources Committee 9 January 2003. Failed 18 February. The sponsor is Representative John Salazar (D).

COLORADO HB 1120 – WATER - Invalidates restrictive covenants that prohibit or limit the use of xeriscape landscaping or that require cultivated vegetation to include turf grass. Reduces the sales and use taxes applicable to water-saving devices from 2.90% to 1.90% during tax years 2004 and 2005. Requires the executive director of the department of revenue to create a list of water-saving devices after consulting with the director of the office of water conservation. Creates an exception to the definition of abandonment of a water right for periods of nonuse that are caused by the implementation of bona fide water conservation efforts as determined on a case by case basis by the state engineer. Introduced and referred to House Agriculture, Livestock and Natural Resources; and State, Veterans and Military Affairs Committees 13 January 2003. Died in Committee 23 January. The sponsor is Representative Paul Martin Weissmann (D).

COLORADO HB 1140 – NOXIOUS WEEDS - Amends legislative findings to include eradication, containment, and suppression of noxious weeds as being in the best interests of Colorado. Prohibits the intentional introduction of a designated noxious weed into Colorado. Allows the Commissioner of Agriculture to seek reimbursement of costs associated with weed management related to the intentional introduction of designated noxious weeds from the entities involved in the introduction of the species. Directs the Department of Agriculture to classify noxious weeds. Introduced 14 January 2003. Passed House 21 February. Second reading in Senate 1 April. The sponsor is Representative Mark Larson (R).

COLORADO HB 1146 – WATER QUALITY - Allows water judges to include in a decree for a change of water right terms to prohibit the change from adversely affecting the quality of water to meet the normal requirements of use of downstream appropriators. Introduced 14 January 2003. Failed in House 6 March. The sponsor is Representative Lola Spradley (R).

COLORADO HB 1155 – RADIOACTIVE WASTE - Subjects the disposal of mill tailings from the processing of materials for their mineral value to the fees and environmental analysis required of radioactive classified waste if the materials were taken from certain federally-regulated sites and if the materials are otherwise classified waste. Allows the fees to be on a per-ton basis and requires the fees to be paid for each shipment of waste that, in the Department of Public Health and Environment's opinion, must separately be characterized. Introduced and referred to House Finance Committee 14 January 2003. Postponed indefinitely 5 February. The sponsor is Representative Liane McFadyen (D).

COLORADO HB 1233 – WATER - Creates seven water basin policy planning councils, one for each of the state's seven water divisions. Requires each division engineer to appoint representatives for the councils. Directs the Colorado Water Conservation Board and Division of Water Resources to provide technical and financial assistance to the Councils. Creates a water basin policy planning assistance fund. Introduced 31 January 2003. Died upon failure to meet crossover deadline 26 February. The sponsor is Representative Fran Coleman (D).

COLORADO HJR 1007 – WATER - Determines that 82 proposed wastewater treatment system, stormwater, and nonpoint source pollution reduction projects are included as additions or modifications to the Project Eligibility List, as projects eligible for financial assistance through the Water Pollution Control Revolving Fund. Introduced 15 January 2003. Passed House 27 January. Passed Senate 5 February. Signed by Governor 12 February. The sponsor is Representative Diane Hoppe (R).

COLORADO HJR 1011 – WATER USE - Requires that the State of Colorado, and specifically the Colorado Department of Natural Resources and the Colorado Attorney General, take all steps necessary to identify, claim, and put to beneficial use Colorado's full legal entitlement to water from the Colorado River. Introduced 23 January 2003. Adopted by House 27 January. Passed Senate 12 March. House concurred in Senate amendments 27 March. The sponsor is Representative Ted Harvey (R).

COLORADO HJR 1012 – ENDANGERED SPECIES - Authorizes the Executive Director of the Department of Natural Resources to obligate and expend \$3,628,395 from the capital account of the Species Conservation Trust Fund for specified activities, programs, and species. Introduced 23 January 2003. Passed House 3 March. Passed Senate 28 March. The sponsor is Representative Diane Hoppe (R).

COLORADO HJR 1015 – WATER CONSERVATION – Asks homeowners' associations, municipalities, and counties to review their covenants, ordinances, resolutions, and procurement codes and contracts to evaluate their effects on the state's water resources. Require homeowners' associations municipalities, and counties to revise and implement covenants, ordinances, resolutions, or procurement codes and contracts that encourage and promote responsible water conservation measures, including specifically xeriscaping. Introduced 7 February 2003. Amended and passed House 13 February. Passed Senate 18 February. The sponsor is Representative Tom Wiens (R).

COLORADO SB 18 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Requires the Department of Public Health and Environment to prepare on a biennial basis a report to the Governor, the General Assembly, and the residents of Colorado on the state of the environment and environmental health in Colorado. Introduced and referred to Senate Health, Environment, Welfare and Institutions; and Appropriations Committees 8 January 2003. Reported from Committee 12 February. The sponsor is Senator John Evans (R).

COLORADO SB 45 – WATER - Increases the regulation of water well construction contractors and pump installers by: (1) requiring continuing education of such contractors and installers as a condition of licensure; (2) specifying additional enforcement authority of the State Board of Examiners of water well construction and pump installation contractors; and (3) creating a well inspection program to be paid for through license fees and a \$40 increase in well permit fees that would be paid into a newly-created well inspection cash fund. Introduced 8 January 2003. Passed Senate 18 February. Reported from House Appropriations Committee 12 March.. The sponsor is Senator Lewis Entz (R).

COLORADO SB 48 – HAZARDOUS WASTE - Clarifies that the types of solid waste subject to fees at waste disposal sites include construction debris, soils, and both compacted and noncompact waste. Eliminates the additional fee imposed to fund local government hazardous-substance response activities at sites designated on the national priority list ("superfund" list), and instead allows a local government that operates a disposal site or facility to retain a larger portion of the fee revenue that would otherwise be payable to the state. Introduced and referred to Senate State Veterans and Military Affairs; and Appropriations Committees 8 January 2003. Postponed indefinitely. The sponsor is Senator Penfield Tate (D).

COLORADO SB 73 – WATER - Defines "re-timing well" as any well that diverts water for recharge or to augment or replace water to a stream, ditch, canal, or reservoir. Requires the state engineer to adopt rules by 1 July 2003, for the use of tributary ground water in the South Platte river basin by re-timing wells and by wells that were vested on or before 7 June 1969. Exempts certain uses from the rules. Allows the state engineer to approve replacement plans and requires the state engineer to assume in such plans that depletions are at least 50% of diversions unless the state engineer relies on the South Platte decision system. Introduced 10 January 2003. Senate second reading laid over 31 March. The sponsor is Senator David T. Owen (R).

COLORADO SB 85 – WATER - Allows the Division of Water Resources engineers to approve loans of water rights within a stream system for up to 120 days upon submission of evidence quantifying the rights and a finding of no injury to other water rights. Allows the engineer to approve loans of water rights for up to 120 days to the Colorado water conservation board for instream use during a drought upon a finding of no injury to other water rights. Introduced 13 January 2003. Passed Senate 19 February. Amended and referred to House Appropriations Committee 19 March. The sponsor is Senator Jim Isgar (D).

COLORADO SB 90 – WATER - Directs the state engineer and water courts to consider in applications for water rights, conditional water rights, and changes of use or point of diversion: (1) the applicant's efforts to conserve, salvage, or reuse water in ways that result in a net reduction of the applicant's consumptive use; (2) reasonable efficiency standards; (3) replacement of phreatophytic plant species with other species; and (4) the public interest. Introduced 14 January 2003. Postponed indefinitely 12 February. The sponsor is Senator Dan Grossman (D).

COLORADO SB 94 - LAND AND WATER USE - Requires the master plans of counties and municipalities required to adopt a master plan to include a water supply element. Requires the planning commission to consult with the entities that supply water to ensure coordination on supply and facility planning. Introduced 15 January 2003. Died upon failure to meet crossover deadline 26 February. The sponsor is Senator Dan Grossman (D).

COLORADO SB 115 – WATER - Defines "removal of water" as a change in the type and place of use of an absolute decreed agricultural water right from irrigated agricultural use in one county to a use not primarily related to agriculture in another county. Defines a "significant water development activity" as any removal of water that results in the transfer of more than 1,000 acre-feet of consumptive use of water per year by a single applicant. Requires applicants for a significant water development activity to notify affected local governments, school districts, and water districts. Introduced 22 January 2003. Passed Senate 10 February. Passed House 24 March. The sponsor is Senator Mark Hillman (R).

COLORADO SB 181 – WATER - Increases well permit fees to be deposited in the Ground Water Management Cash Fund as follows. Makes a supplemental appropriation. Effective immediately. Introduced 28 January 2003. Passed Senate 3 February. Passed House 10 February. Signed by Governor Bill Owens (R) 5 March. The sponsor is Senator Peggy Reeves (D).

COLORADO SB 229 – AIR QUALITY - Amends the legislative declaration for the stationary source voluntary emission reduction program to include emphasis on additional flexibility in the form of averaging of emissions from sources in contiguous airsheds and assurance of cost recovery for additional public utility investment in emission reduction. Introduced 10 February 2003. Died upon failure to meet crossover deadline 26 February. The sponsor is Senator Mark D. Hillman (R).

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MONTANA

Regulatory Developments & Other State Information

No significant regulatory activities to report.

Legislative Developments

The 2003 legislative session convened 6 January. The information below was current as of 2 April. The Legislature will adjourn 29 April. For more recent information on the legislative session, link <http://www.leg.state.mt.us>.

MONTANA HB 42 – EXOTIC NUISANCE SPECIES - Requires the Department of Fish, Wildlife, and Parks (DFWP) to calculate the amount of habitat available for elk, deer, and antelope in Montana. Requires a determination of sustainable populations based on the habitat calculation. DFWP to ensure that populations of elk, deer, and antelope are at or below the population estimate. Requires that DFWP consider the specific concerns of private landowners when determining sustainable numbers of the animals. Requires DFWP to adopt rules for determining sustainability. Introduced 3 December 2002. Passed House and sent to Senate 24 February 2003. Referred to Senate Finance Committee 27 February. The sponsor is Representative Debby Barrett (R)

MONTANA HB 43 – ASBESTOS, AIR QUALITY - Amends the criteria for evaluation of control measures for an asbestos project and for completion of these projects. Includes requirements for issuance of asbestos project permits and permit conditions. Effective immediately. Prefiled 3 December 2002. Passed House 17 January 2003. Passed Senate 8 February. Signed by Governor Judy Martz (R) 14 February. The sponsor is Representative Jill Cohenour (D).

MONTANA HB 71 – FUELS - Eliminates the Department of Transportation's authority to stop and inspect diesel-powered vehicles suspected of using dyed-fuel. Effective immediately. Introduced 20 December 2002. Passed House 1 February 2003. Passed Senate 14 March. Sent to Governor 17 March. The sponsor is Representative Karl Waitschies (R).

MONTANA HB 75 – PESTICIDES - Extends the state pesticide disposal program. Effective immediately. Prefiled 12 December 2002. Referred to House Agriculture Committee 20 December. Tabled in Committee 5 February 2003. The sponsor is Representative Bob Lake (R).

MONTANA HB 89 – WATER QUALITY - Extends the schedule for completing total maximum daily loads for streams listed in 1997 from 10 years to 15 years. Effective immediately. Prefiled 16 December 2002. Passed House 22 January 2003. Passed Senate 14 March. Sent to Governor 17 March. The sponsor is Representative Alan Olson (R).

MONTANA HB 128 – NOXIOUS WEEDS - Establishes the Noxious Weed Management Trust of the State of Montana and establishes strict monetary guidelines for acquired funds; requires approval of qualified electors to become a ballot measure on the November 2004 ballot. Prefiled 20 December 2002. Passed House 22 January 2003. Passed Senate 10 February. Sent to Governor 14 March. The sponsor is Representative Diane Rice (R).

MONTANA HB 142 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Requires State Officials responsible for the preparation of an environmental impact statement to consult with any local government that may be directly impacted by a project. Applies to environmental impact statements

commenced on or after the effective date. Introduced 23 December 2002. Passed House 7 February. Passed Senate 9 March. Sent to Governor 17 March. The sponsor is Representative Ronald Devlin (R).

MONTANA HB 144 – UNDERGROUND STORAGE TANKS - Revises the Underground Storage Tanks Act to include facilities where there is a possibility of a release or a threatened release of a hazardous or deleterious substance; limits expense reimbursements to two years; and allows DEQ to adopt, modify, or repeal rules for the prevention of and correction of leakage from underground storage tanks. Prefiled 20 December 2002. Passed House 24 February 2003. Passed Senate 14 March. Sent to Governor 17 March. The sponsor is Representative Christopher Harris (D).

MONTANA HB 202 – WATER QUALITY – Allows for an "interested person", other than the applicant or permit holder to request a hearing before the board on DEQ's decision to issue or modify a permit. Defines an "interested person" to include a person who has a real property interest, a water right, or an economic interest that is or may be directly and adversely affected by a DEQ final decision of degradation of state waters. Prefiled 27 December 2002. Referred to House Natural Resources Committee 3 January 2003. Tabled in Committee 20 January. The sponsor is Representative Christopher Harris (D).

MONTANA HB 218 – WASTE TRANSPORTATION - Establishes the Montana High-Level Radioactive Waste and Transuranic Waste Transportation Act; requires that the owner of a high-level radioactive waste or transuranic waste to pay fees and obtain a permit before shipping the waste through Montana. Prohibits a person or entity from transporting high-level radioactive waste or transuranic waste through the state by rail or motor carrier without prior notification of the disaster and emergency response services division and the department of transportation, payment of the appropriate fees, and obtaining a permit. Prefiled 27 December 2002. Passed House 5 February. Passed Senate 31 March. Sent to Governor 1 April. The sponsor is Representative Sylvia Bookout-Reinicke (R).

MONTANA HB 238 – WATER USE - Exempts local government entities from requirements imposed by a water rights short-term lease for road construction or dust abatement. Includes an exemption of local government entities posting an analysis of potential adverse effects and a posting a notice at the point of water diversion at a project site. Introduced 7 January 2003. Passed House and sent to Senate 28 January. Passed Senate 14 February and sent to the Governor. The sponsor is Representative Joan Andersen (R).

MONTANA HB 257 – LAND USE - Requires that access to historic rights-of-way for public use land include access to land owned by the condemnor. Petitions for historic rights-of-way must be accompanied by: (1) a description of the historic use; (2) the approximate duration of the historic use; (3) a statement that there is no other reasonable access to the condemnor's property and, (4) sworn statements from three individuals verifying the historic use of the right-of-way. Introduced and referred to House Natural Resources Committee 8 January 2003. Tabled in Committee 3 February. The sponsor is Representative Dick Haines (R).

MONTANA HB 303 – SITING CRITERIA - Revises the definition of "facility siting" in the Montana Code of Laws to exclude an electric transmission line extending from an electrical generation facility to the point at which the transmission line connects to a regional transmission grid at an existing transmission substation or other facility. Introduced 14 January 2003. Passed House 11 February. Amended and passed Senate 20 March. The sponsor is Representative Alan Olson (R).

MONTANA HB 326 – WATER USE - Increases the water appropriation rights of the Upper Clark Fork river basin from ten to thirty years. Sunsets these provisions in July 2005. Introduced 15 January 2003. Passed House Senate 10 February. Passed Senate 14 March. Sent to Governor 17 March. The sponsor is Representative Brad Newman (D).

MONTANA HB 328 – AIR QUALITY - Requires the Department of Environmental Quality to consider an applicant's compliance record with the Federal Clean Air Act and the Montana Environmental Policy Act before issuing an air quality permit. Permits the Department to evaluate an applicant's record of substantial and reoccurring noncompliance with the provisions of both air quality acts and deny issuance

of permit based on that record. Introduced and referred to House Natural Resources Committee 15 January 2003. Tabled in Committee 12 February. The sponsor is Representative Christopher Harris (D).

MONTANA HB 368 – UST CLEANUP - Eliminates the two-year time limit for submitting claims for reimbursement from the Petroleum Tank Release Cleanup Fund. Modifies the eligibility requirements and revises procedures for reimbursement of eligible costs. Permits third-party review of claims and plans and revises the authority of the Department of Environmental Quality for underground storage tanks leaks. Introduced 20 January 2003. Passed House 24 February. Passed Senate 24 March. Sent to Governor 31 March. The sponsor is Representative Ronald Devlin (R).

MONTANA HB 378 – EXOTIC NUISANCE SPECIES - Modifies the current "native plant" definition to include any species that occurred in Montana prior to 1805. Effective immediately. Introduced 21 January 2003. Passed House 11 February. Passed Senate 13 March. Sent to Governor 14 March. The sponsor is Representative Veronica Small-Eastman (D).

MONTANA HB 420 – PESTICIDES - Decreases the fee paid by commercial applicators, pesticide dealers, and government agencies for the waste pesticide and pesticide container collection, disposal, and recycling program. Repeals the termination of the waste pesticide and pesticide container collection, disposal, and recycling program and the assessment of fees for funding the program. Introduced 23 January 2003. Passed House 11 February. Passed Senate 24 March. Sent to Governor 25 March. The sponsor is Representative Bob Lake (R).

MONTANA HB 427 – AIR QUALITY - Requires the Department of Environmental Quality to act on air quality permit applications within sixty days after the Department's receipt of the application. Requires the Department to prepare a single environmental review for permit applications. Requires the Board of Environmental Review to provide a thirty-day public comment period on certain air quality permit applications. Introduced 24 January 2003. Passed House 18 February. Passed Senate 14 March. Sent to Governor 17 March. The sponsor is Representative Gail Gutsche (D).

MONTANA HB 437 – ENVIRONMENTAL ENFORCEMENT - Requires enforcement of environmental provisions and acts stated in the constitution. Requires enforcement of public policy and property in lawful ways with the intent of preventing, abating, and controlling waste pollution within the state. Introduced 24 January 2003. Passed House 26 February. Amended and passed Senate 27 March. The sponsor is Representative Alan Olson (R).

MONTANA HB 443 – SITING CRITERIA - Modifies the information requirement for siting applications by eliminating the requirement that a copy of an application be sent to other local, state, and federal governmental entities. Amends public notice requirements. Adjusts the filing fee scale. Decreases time requirements of the siting laws. Introduced 28 January 2003. Passed House 18 February. Passed Senate 22 March. Sent to Governor 24 March. The sponsor is Representative Michael Lange (R).

MONTANA HB 467 – WATER QUALITY - Requires the Board of Environmental Review to provide a written summary when accepting a petition to classify waters as outstanding resource waters. Requires a hearing when a petition has been submitted to the Board. Introduced 29 January 2003. Passed House 27 February. Passed Senate 31 March. Sent to Governor 1 April. The sponsor is Representative Debby Barrett (R).

MONTANA HB 502 – FUELS - Requires a minimum content of biodiesel in all diesel fuel sold or offered for sale in Montana for use in internal combustion engines. Exempts fuel produced or sold for use in railroad locomotives. Requires a distributor that blends biodiesel to be licensed with the Department of Transportation. Introduced and referred to House Transportation Committee 3 February 2003. Failed 28 February. The sponsor is Representative Holly Raser (D).

MONTANA HB 505 – WATER USE - Amends the definition of water use on Indian Reservations. Requires beneficial use of water so it does not cause a reduction in the source of supply. Requires that the water used returns without delay to the source of supply, causing little or no disruption in stream

conditions. Introduced 3 February 2003. Passed House 22 February. Tabled 28 March. The sponsor is Representative Steven Gallus (D).

MONTANA HB 533 – WATER QUALITY - Specifies that nitrate as nitrogen in ground water is not significant if the predicted concentration at the boundary of the mixing zone does not exceed 10 milligrams per liter. Introduced 6 February 2003. The sponsor is Representative Ron Stoker (R).

MONTANA HB 574 – INCINERATOR BANS - Prohibits a person from igniting or setting a fire on any residential or commercial property within a county protection area during an established fire season without written permission. Introduced 11 February 2003. Passed House and sent to Senate 26 February. Tabled 21 March. The sponsor is Representative Larry Lehman (R).

MONTANA HB 591 – TRANSPORTATION - Requires term permit fees for certain overweight vehicle loads. Introduced 11 February 2003. Passed House 24 February. Referred favorably from Senate Highways and Transportation Committee 28 March. The sponsor is Representative Daniel Fuchs (R).

MONTANA HB 676 – LAND USE - Establishes that a "project" under the Streambed and Land Preservation Act of 1975 is a physical alteration or modification of a natural, perennial-flowing stream or river, its bed, or its immediate banks. Applies retroactively to all notices of projects pending before a conservation district. Introduced 18 February 2003. Passed House 28 February. Amended and reported favorably from Senate Agriculture Committee 27 March. The sponsor is Representative Monica Lindeen (D).

MONTANA HB 677 – LAND USE - Establishes the jurisdiction of justices courts for violations of the Natural Streambed and Land Preservation Act of 1975. Establishes criminal fines and administrative penalties for violations. Mandates if the amount of liability for restoration exceeds \$7,000, then the action must be brought in district court. Introduced 19 February 2003. Passed House 28 February. Referred to Senate Agriculture Committee 7 March. The sponsor is Representative Monica Lindeen (D).

MONTANA HB 678 – LAND USE - Establishes a declaratory ruling process under the Natural Streambed and Land Preservation Act of 1975. Authorizes the Board of Supervisors of a conservation district to issue declaratory rulings. Establishes judicial review of a declaratory ruling. Introduced 19 February 2003. Passed House 28 February 28. Referred to Senate Agriculture, Livestock, and Irrigation Committee 7 March. Reported favorably from Committee 27 March. The sponsor is Representative Monica Lindeen (D).

MONTANA HB 683 – WATER - Revises requirements for a change in a water appropriation right. Permits a change in a water appropriation right without prior approval of the Department of Natural Resources and Conservation for a replacement well for a municipal well when the appropriation does not exceed 450 gallons a minute. Introduced 19 February 2003. Passed House 28 February 28. Passed by Senate 22 March. Sent to Governor 24 March. The sponsor is Representative John Brueggeman (R).

MONTANA HB 709 – HAZARDOUS WASTE - Authorizes the submittal of claims for private response costs to the Department of Environmental Quality. Permits the Department to recover private response costs from liable persons and to reimburse the private claimants. Establishes liability for private response costs. Introduced 20 February 2003. Passed House 28 February 28. Referred to Senate Natural Resources Committee 7 March. Tabled 28 March. The sponsor is Representative Christopher Harris (D).

MONTANA HB 720 – WATER USE - Requires the Department of Natural Resources and Conservation to adopt rules for determining whether a water use permit is correct and complete. Introduced 20 February 2003. Passed House February. Referred to Senate Agriculture, Livestock, and Irrigation Committee 7 March. Amended and reported favorably from Committee 1 April. The sponsor is Representative Daniel Hurwitz (R).

MONTANA HJ 4 – WATER USE - Establishes an interim study to investigate options for improving the supply and distribution of water in Montana. The study must also evaluate the water storage policy and

culminate in a report back to the 59th Legislature and the Montana Congressional Delegation. Introduced and referred to House Natural Resources Committee 7 January 2003. Amended and passed House 10 February. Amended and passed Senate 22 March. The sponsor is Representative Michael Lange (R).

MONTANA HJ 7 – LAND USE - Establishes an interim study committee to evaluate the laws governing conservation easements in Montana and the implementation of these laws in Montana, including (1) the advantages and disadvantages of conservation easements; (2) whether or not the acquisition of conservation easements by the State of Montana or its political subdivisions is in the best interest of the current and future citizens of Montana; and (3) whether or not Montana's statutes that authorize the granting of easements in perpetuity conform to the provisions of the Montana Constitution. Introduced 9 January 2003. Failed to meet the cross-over deadline 28 February. The sponsor is Representative Debby Barrett (R).

MONTANA SB 14 – WATER USE - Establishes a period of adjudication proceedings during negotiations of federal Indian and non-Indian reserved water rights. Prefiled 26 November 2002. Passed Senate 16 January 2003. Passed House 13 March. Sent to Governor 14 March. The sponsor is Senator Bea McCarthy (D).

MONTANA SB 34 – EMINENT DOMAIN - Establishes a limit to adjustments for inflationary costs on construction projects within the state. Effective immediately. Prefiled 2 December 2002. Passed Senate 30 January 2003. Amended 27 March. The sponsor is Senator Gregory D. Barkus (R).

MONTANA SB 101 – LAND USE – Requires the Montana Heritage Preservation and Development Commission to adopt rules for the acquisition and sales of real or State's culture and history; (2) whether the property can become self-supporting; (3) whether the property can contribute to the economic and social enrichment of the State; and (4) whether the acquisition or sale will create significant social and economic impacts to local governments or the State. Introduced 17 December 2002. Passed Senate 4 February. Reported favorably from House Business and Labor committee 27 March. The sponsor is Senator Dale Mahlum (R).

MONTANA SB 133 – ENERGY STANDARDS – Requires all boiler and pressure vessels installed in the State to be designed, manufactured, and sealed or stamped under a national code and registered with the state fire marshal. Requires the approval of the Department of Labor, Licensing and Regulation and institutes a penalty for failure to register a boiler or pressure vessel. Introduced and referred to Senate Labor, Commerce, and Industry Committee 14 January 2003. The sponsor is Senator Warren Giese (R).

MONTANA SB 137 – LAND USE - Enables the Montana Board of Land Commissioners to issue commercial land leases where the chief value of the lease is to maximize the long-term revenue generated from leasing the land. Allows for the Board of Land Commissioners to have complete autonomy in determining the development of the land for commercial purposes. Authorizes state land to be leased for a term not to exceed 99 years for commercial purposes to the highest bidder responding to a department request for proposals for commercial uses of a specified tract. Allows the Board to enter into leases of state land for commercial purposes upon terms and conditions that the Board reasonably determines to be in the best interests of the State. Introduced 30 December 2002. Passed Senate 30 January 2003. Amended and passed House 20 March. The sponsor is Senator Bob DePratu (R).

MONTANA SB 233 – ENVIRONMENTAL FINES - Establishes an air quality permit special revenue account which allocates a portion of air quality penalties for funding of the Air Quality Permitting Program. Creates a legal defense and bankruptcy special revenue account which allocates a portion of penalties and fines collected under other environmental statutes to the legal defense and bankruptcy special revenue account. Introduced 20 January 2003. Failed to meet the cross-over deadline 28 February. The sponsor is Senator John Cobb (R).

MONTANA SB 240 – LAND DISPOSAL RESTRICTIONS - Protects surface owners of land underlain with oil and gas reserves by allowing for the necessary development of those reserves. Accommodates conflicting interests by agreement and expeditious procedures for quantifying the obligations of owners of

severed oil and gas estates when agreement cannot be reached. Mandates that the owner of a severed oil and gas estate obtain a permit for oil or gas development. Introduced and referred to Senate Natural Resources Committee 21 January 2003. Failed to meet the cross-over deadline 28 February. The sponsor is Senator Emily Stonington (D).

MONTANA SB 245 – AIR QUALITY - Requires the Environmental Board to develop sulfur dioxide emission control plans for each source in areas where multiple industries producing sulfur dioxide are located in close proximity and areas where EPA has required a state implementation plan for sulfur dioxide. Mandates that a person may not cause or contribute to concentrations of sulfur dioxide in the ambient air that exceed the 1-hour average standard adopted by the Board more than three times in any 12 consecutive months. Requires the Board to adopt a five-minute air quality standard for sulfur dioxide. Introduced and referred to Senate Energy and Telecommunications Committee 22 January 2003. Failed to meet the cross-over deadline 28 February. The sponsor is Senator John Bohlinger (R).

MONTANA SB 293 – GROWTH MANAGEMENT - Authorizes and requires quality growth plans that include designated quality growth areas that receive priority for certain state grants and loans. Mandates that a higher priority be given to grants for new facilities that serve a quality growth area. Introduced 30 January 2003. Failed on second reading 22 February. The sponsor is Senator Michael Wheat (D).

MONTANA SB 326 – GROWTH MANAGEMENT - Establishes that preparation and adoption of a growth policy are optional. Amends law governing the contents of a growth policy to authorize rather than require elements of a growth policy. Amends procedures for adoption, revision, and repeal of a growth policy. Requires questions regarding adoption or revisions of growth policy to be submitted to a vote. Mandates that a growth policy is not a regulation. Introduced 4 February 2003. Passed Senate and sent to House 22 February. The sponsor is Senator Dan McGee (R).

MONTANA SB 345 – TRANSPORTATION - Requires special, single-trip permits and lighting for all motor vehicle loads that exceed 15 feet of overhang. Introduced 6 February 2003. Passed Senate and sent to House 22 February. Tabled 26 March. The sponsor is Senator Jim Elliot (D).

MONTANA SB 350 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Requires a permit, license, lease, or other authorization issued by an agency to remain valid, revoked, modified, or suspended pending the completion of any environmental review that may be remanded by a court. Introduced 7 February 2003. Passed Senate and sent to House 27 February. The sponsor is Senator Duane Grimes (R).

MONTANA SB 359 – TRANSPORTATION - Requires all types of loads on all types of motor vehicles to be secured to prevent littering or creating a dangerous obstruction on a highway. Introduced 8 February 2003. Passed Senate and sent to House 28 February. Tabled 26 March. The sponsor is Senator Brent Cromley (D).

MONTANA SB 375 – SCRAP TIRES - Restricts the use of baled and waste tires. Introduced 11 February 2003. Passed Senate and sent to House 27 February. The sponsor is Senator Jim Elliot (D).

MONTANA SB 383 – WATER QUALITY – Allows routine or periodic maintenance, repair, or replacement of water conveyance systems if the activity does not result in exceeding water quality standards for any receiving water outside the water conveyance system. Mandates that such activities not interfere with the use of water in accordance with an existing water right or permit. Introduced 12 February 2003. Passed Senate and sent to House 21 February. The sponsor is Senator Keith Bales (R).

MONTANA SB 416 – WATER - Suspends water use permit and change provisions of the water use laws in basins where a court of competent jurisdiction has held that the Department of Environmental Management lacks exclusive authority to issue new water use permits. Authorizes appropriation of water for a beneficial use and changes in appropriation rights in accordance with the prior appropriation doctrine in these areas. Introduced 18 February 2003. Passed Senate and sent to House 25 February. Referred to House Natural Resources Committee 7 March. The sponsor is Senator Gregory Barkus (R).

MONTANA SB 442 – EXOTIC NUISANCE SPECIES - Requires the Department of Fish, Wildlife, and Parks to issue permits for the importation, possession, or sale of controlled exotic wildlife. Establishes lists of noncontrolled, controlled, and prohibited exotic wildlife. Establishes a classification review committee to advise the Fish, Wildlife, and Parks Commission regarding the importation, possession, and sale of exotic wildlife. Introduced and referred to House Fish and Game Committee February 20, 2003. Amended and reported from Committee February 25. Passed Senate and sent to House February 28. Referred to House Fish, Wildlife, and Parks Committee March 7. The sponsor is Senator Emily Stonington (D).

MONTANA SJ 4 – ENDANGERED SPECIES - Mandates that the U.S. Fish and Wildlife Service recognize that Montana has a viable management plan and is ready to assume management responsibility for the gray wolf and that the U.S. Fish and Wildlife Service delist the gray wolf as quickly as possible. Requests that federal funding be provided to Montana from a permanently established federal trust set up for future management purposes. Establishes that the U.S. Congress establish and provide funding for the Northern Rocky Mountain Grizzly Bear and Gray Wolf National Management Trust, proposed by the Governors of Montana, Idaho, and Wyoming. Mandates that wolf population management in Montana include the full range of management tools, from nonlethal to lethal. Introduced 10 January 2003. Passed Senate and sent to House 8 February. Reported favorably from House Fish, Wildlife and Parks Committee 28 March. The sponsor is Representative Jim Elliot (D).



NORTH DAKOTA

WATER INFORMATION:

PROPOSED REGULATION – AMENDMENTS TO PUBLIC WATER SUPPLY SYSTEM RULES – The North Dakota Department of Health has proposed amendments to the rules relating to public water supply systems. The amendments relate to the Lead/Copper Rule, Radionuclides Rule, Public Notification Rule, and Filter Backwash Recycling Rule. Comments will be accepted until 16 June 2003. A public hearing will be held 15 May. For more information, contact Jack Long at (701) 328-5211, or link: <http://www.health.nd.us/Rulemaking/33-17-20030616/default.htm>.

Legislative Developments

The 2003 legislative session convened 7 January. The information reported below was current as of 2 April. The Legislature adjourns 1 May. For more recent information on the legislative session, link <http://www.state.nd.us/lr/>.

NORTH DAKOTA HB 1066 – PESTICIDES - Continues the agricultural pesticide and pesticide container disposal program. Effective through 31 July 2005. Introduced 7 January 2003. Passed House 21 January. Received in Senate 22 January. Referred to Senate Agriculture Committee 17 February. Passed Senate 17 March. The sponsor is Representative Eugene Nicholas (R).

NORTH DAKOTA HB 1147 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - States that a request for a hearing must be made in writing within thirty days of a decision by the North Dakota Water Commission or the State Engineer. States that the request must explain with particularity how the person is aggrieved by the decision and the issues and facts to be presented at the hearing. Introduced 7 January 2003. Failed 6 February. The sponsor is the House Natural Resources Committee.

NORTH DAKOTA HB 1309 – FUELS - States that beginning 1 July 2007, all diesel fuel sold or offered for sale in the state for use in internal combustion engines must contain at least 2% biodiesel fuel by volume. Introduced 13 January 2003. Passed House 10 February. Passed Senate 25 March. The sponsor is Representative Pam Guleson (D).

NORTH DAKOTA HB 1493 – ALTERNATIVE FUELS - States that all gasoline having an octane rating of 87 and offered for sale at retail in the state must be blended with ethanol at the rate of 10%. Effective 1 January 2005. Introduced 20 January 2003. Failed in House 19 February. The sponsor is Representative Jon Nelson (R).

NORTH DAKOTA HCR 3026 – ALTERNATIVE FUELS - Requires the Legislative Council to study the feasibility and desirability of the use of E85 by the state and report its findings and recommendations, together with any legislation required to implement the recommendations, to Legislature. Introduced 1 January 2003. Adopted by House 18 February. Adopted by Senate 10 March. The sponsor is Representative David Monson (R).

NORTH DAKOTA SB 2027 – ALTERNATIVE FUELS - States that all gasoline having an octane rating of 87 and offered for sale at retail in this state must be blended with ethanol at a rate of 10%. Introduced and referred to Senate Industry, Business and Labor Committee 7 January 2003. Failed 17 February. The sponsor is the Senate Agriculture Committee.

NORTH DAKOTA SB 2082 – PESTICIDES - Defines "restricted use pesticide" as any pesticide formulation which is classified for restricted use by EPA . States that the assessment of a civil penalty does not preclude the imposition of other sanctions authorized under this measure. Introduced 7 January 2003. Passed Senate 20 January. Passed House 3 March. Signed by Governor John Hoeven (R) 2 March. The sponsor is the Senate Agriculture Committee.

NORTH DAKOTA SB 2126 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - States that a request for a hearing must be made in writing and state with particularity how the person would be aggrieved by the decision and the issues and facts to be presented at the hearing. Introduced 7 January 2003. Passed Senate 10 January. Passed House 3 March. Signed by Governor 12 March. The sponsor is the Senate Natural Resources Committee.

NORTH DAKOTA SB 2203 – TRANSPORTATION - States that vehicles operated on a highway in the state can not exceed a total outside width, including load thereon, of eight feet six inches. States that the length of a trailer or semitrailer, including the load thereon, can not exceed 53 feet, except that trailers and semitrailers titled and registered in North Dakota before 1 July 1987, and towed vehicles can not exceed a length of 60 feet. Introduced 14 January 2003. Failed 3 February. The sponsor is Senator Robert Erbele (R).

NORTH DAKOTA SB 2254 – PESTICIDES - States that a person cannot engage in aerial spraying without a license from the North Dakota Aeronautics Commission. States that a person violating this bill is guilty of a class B misdemeanor. Introduced 20 January 2003. Passed Senate 3 February. Passed House 27 March. The sponsor is Senator Tom Fischer (R).

NORTH DAKOTA SB 2277 – WATER USE - Creates a joint board as a political subdivision of the State relating to water resource districts. Introduced 20 January 2003. Passed Senate 17 February. Passed House 18 March. Signed by Governor 27 March. The sponsor is Senator Tom Fischer (R).

NORTH DAKOTA SB 2319 – PESTICIDES - Extends the pesticide registration fee past the original 30 June 2003 deadline. Introduced 23 January 2003. Passed Senate 17 February. Passed House 27 March. The sponsor is Senator Ronald Nichols (D).

NORTH DAKOTA SB 2419 – WATER QUALITY - Clarifies the state's authority to seek injunctive relief against governmental entities that violate water quality standards of the state. States that it is also unlawful for any person to cause degradation of water quality if the degradation substantially interferes with or causes or threatens to cause long-term or irreparable harm. Introduced 20 February 2003. Passed Senate 28 February. Passed House 13 March. Signed by Governor 27 March. The sponsor is Senator Bob Stenehjem (R).



SOUTH DAKOTA

Regulatory Developments & Other State Information

No significant regulatory activity to report.

Legislative Developments

The 2003 legislative session convened 14 January. The information reported below was current as of 2 April. The Legislature adjourned 8 March. For more recent information on the legislative session, link <http://legis.state.sd.us/index.cfm>.

SOUTH DAKOTA HB 1264 – WEIGHT RESTRICTIONS - Provides an exemption to the axle and weight limits if the total gross weight of a vehicle is within the maximum limits. Effective 1 July 2003. Introduced and referred to House Transportation Committee 3 February 2003. Failed in Committee 12 February. The sponsor is Representative Ryan Olson (R).

SOUTH DAKOTA SB 42 – HAZARDOUS MATERIALS - Updates provisions pertaining to motor carrier safety and transportation of hazardous materials through 1 January 2003 instead of 1 January 2002. Introduced 11 January 2003. Passed Senate 22 January. Passed House 30 January. Signed by Governor Mike Rounds 5 February. The sponsor is the Senate Transportation Committee.

SOUTH DAKOTA SB 99 – WATER - States that a water development district may assist, sponsor, or construct a water resources project only if it has entered into a contract with a project sponsor. Specific areas shall finance those phases of water resources development that provide general benefits to people in such areas, direct beneficiaries shall finance those phases of water resources development that provide water for their use. Effective 1 July 2003. Introduced 28 January 2003. Passed Senate 5 February. Passed House 20 February. Signed by Governor 27 February. The sponsor is Senator Larry Diedrich (R).

SOUTH DAKOTA SB 132 – TRANSPORTATION - States that any person who is convicted of operating a motor vehicle on the public highways of South Dakota with weight greater than the maximum permitted shall be fined in addition to any other penalties. Effective 1 July 2003. Introduced and referred to Senate Transportation Committee 30 January 2003. Failed in Committee 18 February. The sponsor is Senator Jay Duenwald (R).

SOUTH DAKOTA SB 163 – ALTERNATIVE FUELS - States that on 1 July 1, 2005, any diesel fuel sold in this state shall be a biodiesel blend containing at least 2% by volume of biodiesel oil. Introduced 30 January 2003. Failed to meet reporting deadline 5 March. The sponsor is Senator Paul Symens (D).

SOUTH DAKOTA SB 194 – ALTERNATIVE FUELS - Requires that after 1 July 2004, all gasoline sold or offered for sale in South Dakota contain at least 2.7 percent oxygen by weight. Introduced and referred to Senate Transportation Committee 31 January 2003. Failed in Committee 14 February. The sponsor is Senator Paul Symens (D).

SOUTH DAKOTA SB 219 – VOLUNTARY REMEDIATION - Requires the clearing and thinning of undergrowth and hazardous fuels in certain wooded areas and provides a penalty. Effective 1 July 2003. Introduced and referred to Senate Agriculture and Natural Resources Committee February 3, 2003. Failed in Committee 18 February. The sponsor is Senator Drue Vitter (R).



UTAH

Regulatory Developments & Other State Information

TOXIC CHEMICAL RELEASE INVENTORY REPORTING WORKSHOP – EPA Region 8 is sponsoring a free workshop that provides comprehensive information and instruction to government facilities and businesses that must complete the Toxic Chemical Release Inventory Reporting Form under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). This reporting responsibility requires affected facilities to report annually for over 650 EPCRA Section 313 chemicals and chemical categories. A workshop focused on issues related to the manufacturing, petroleum bulk storage, chemical distribution, solvent recovery, and RCRA Subtitle C TSD industries will be held 23 April 2003 in Salt Lake City. For more information or to register, contact Jack Slater, EPA at (303) 312-6026, or Joyel Dhieux at (303) 312-6447.

WATER INFORMATION:

FINAL REGULATION – SEWAGE EFFLUENT USE OR CHANGE IN POINT OF DISCHARGE – The Utah Department of Natural Resources has adopted procedures to notify the State Engineer when sewage effluent is to be used or when the point of discharge of sewage effluent is changed. The information in the notice will allow the State Engineer to evaluate the person's water rights and to make a determination if there are adequate water rights to allow for the use of sewage effluent and determine if a change in point of discharge is required. This rule will only affect municipal or publicly owned treatment works. The procedures were effective 1 February 2003. For more information, contact Gail Nelson at (801) 538-7370, or link: <http://rules.utah.gov/publicat/bulletin/2002/20021115/25550.htm>.

Legislative Developments

The 2003 legislative session convened 20 January. The information reported below was current as of 2 April. The Legislature adjourned 5 March. For more recent information on the legislative session, link <http://www.le.state.ut.us/>.

UTAH HB 20 – CLEAN FUEL FLEETS - Provides that the purchase of a clean special fuel tax certificate is a prerequisite to registering a vehicle powered by a clean fuel and requires the certificate to be carried in the vehicle at all times. Requires that clean fuel delivery agents post a notice on the pump that a vehicle registered in this state that uses this fuel is required to have a valid annual clean special fuel tax certificate. Introduced 15 January 2003. Failed to meet 2 March crossover deadline. The sponsor is Representative Don Bush (R).

UTAH HB 67 – ELECTRONIC WASTE - Modifies the Environmental Quality Code to require the Solid and Hazardous Waste Control Board to establish an educational initiative electronic equipment waste. Provides for reporting to the Legislature. Introduced 6 January 2003. Failed in House 28 January. The sponsor is Representative Ralph Becker (D).

UTAH HB 182 – ASBESTOS – Modifies the penalty provisions of the Air Conservation Act by making a knowing violation of asbestos work practices a third degree felony. Introduced 15 January 2003. Passed House 23 January. Passed Senate 7 February. Signed by Governor Mike Leavitt (R) 15 March. The sponsor is Representative Mike Morely (R).

UTAH HB 227 – DRINKING WATER - Modifies the Safe Drinking Water Act to require that any substance added to a public water supply for the purpose of preventing or treating a disease be approved by the United States Food and Drug Administration. Introduced 27 January 2003. Failed to meet 2 March crossover deadline. The sponsor is Representative Glenn Donnelson (R).

UTAH HB 237 – RADIATION - Modifies the Radiation Control Act in the Environmental Quality Code by prohibiting the storage, treatment, or disposal of B or C low-level radioactive waste at any facility in the state. Introduced 28 January 2003. Substituted for new bill 18 February. The sponsor is Representative Kory Holdaway (R).

UTAH HB 262 – RADIATION – Creates a radioactive waste tax increase. Introduced 3 February 2003. Failed to meet 2 March crossover deadline. The sponsor is Representative Kory Holdaway (R).

UTAH HB 286 – HAZARDOUS WASTE - Modifies the Environmental Quality Code and the Revenue and Taxation Code to increase fees on radioactive waste and hazardous waste, modify taxes paid by radioactive waste facilities, and impose taxes on hazardous waste facilities and nonhazardous solid waste facilities. Increases a regulatory fee on radioactive waste received at a radioactive waste facility and increases a regulatory fee on hazardous waste received at a hazardous waste facility for treatment and disposal. Introduced 3 February 2003. Amended and passed House 3 March. Passed Senate 4 March. Signed by Governor 21 March. The sponsor is Representative David Ure (R).

UTAH HB 322 – EMISSIONS – Revises air quality and motor vehicle emissions standards. Introduced 3 February 2003. Failed to meet 2 March crossover deadline. The sponsor is Representative Rosalind McGee (D).

UTAH HJR 12 – ENDANGERED SPECIES - Urges the United States Fish and Wildlife Service to expedite the process for transferring authority to manage wolves to the states. Urges the United States Fish and Wildlife Service to reject requests to establish additional recovery areas that would include the state of Utah. Urges the Utah Division of Wildlife Resources to draft a wolf management plan that is to the extent possible consistent with the wildlife management objectives of the Ute Indian Tribe, prevents livestock depredation, and protects the investments made in wildlife management efforts. Urges the Division of Wildlife Resources to prepare a grant proposal recommending that the Department of Natural Resources fully compensate private landowners for losses, not covered by other mitigation sources, resulting from depredation to livestock by wolves. Introduced 24 January 2003. Passed House 14 February. The sponsor is Representative Michael R. Styler (R).

UTAH SB 4 – CLEAN FUEL FLEETS - Modifies the Revenue and Taxation Code by clarifying that government vehicles are exempt from purchasing the clean special fuel tax certificate. Introduced 15 January 2003. Passed Senate 21 January. Passed House 5 February. Signed by Governor 15 March. The sponsor is Senator David Steele (R).

UTAH SB 35 – CLEANUP - Modifies the Redevelopment Agencies Act. Expands the criteria for blight to include a superfund site. Makes an exception to the statutory size restriction on project areas for superfund sites. Authorizes the use of tax increment funds for a superfund site without taxing entity approval. Introduced 20 December 2002. Passed Senate 27 January 2003. Passed House 19 February. Signed by Governor 21 March. The sponsor is Senator Chris Buttars (R).

UTAH SB 50 – LAND USE - Modifies municipal and county land use and development provisions to prohibit a municipality or county from enforcing land use and development ordinances with respect to a special district's water treatment plant that provides culinary water to more than one political subdivision of the state. Provides an exception to the prohibition in the case of uniform building code or other ordinance necessary for the protection of public health and safety. Introduced 21 January 2003. Failed to meet 2 March crossover deadline. The sponsor is Senator Michael Waddoups (R).

UTAH SB 84 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Creates the "Environmental Institutional Control Act." Allows for creation of environmental institutional controls which limit or otherwise affect the use of real property which has been affected by a cleanup or risk assessment. Includes procedures for establishment and enforcement of the institutional controls, removal of the controls, and appeal of the executive director's decision regarding the controls. Introduced 20 December 2002. Passed Senate 31 January. Passed House 13 February. Signed by Governor 15 March. The sponsor is Senator Bill Wright (R).

UTAH SB 85 – UNDERGROUND STORAGE TANKS - Modifies the Underground Storage Tank Act. Increases the environmental assurance fee of 1/4 cent per gallon on the first sale or use of petroleum products to 1/2 cent per gallon. Reduces the fee when the cash balance in the Petroleum Storage Tank Trust Fund exceeds \$20,000,000 in any year. Introduced 20 December 2002. Passed Senate 31 January 2003. Passed House 13 February. Signed by Governor 15 March. The sponsor is Senator Bill Wright (R).

UTAH SB 146 – WASTE - Modifies the Environmental Quality Code by requiring that commercial waste facilities that receive only construction and demolition waste pay a fee of 50 cents per ton. Amends related language to specify that a facility that contracts with local governments to receive household waste is considered to be a commercial waste facility. Provides that an application for a commercial nonhazardous waste facility operation plan does not need to obtain legislative or gubernatorial approval if the application was submitted on or after 1 January 2002, and prior to 1 January 2003. Effective 1 July 2003. Introduced 3 February 2003. Amended and passed 28 Senate February. Passed House 5 March. Signed by Governor 24 March. The sponsor is Senator Bill Wright (R).

UTAH SB 156 – WATER QUALITY – Revises safety requirements for public water systems. Introduced 3 February 2003. Failed to meet 2 March crossover deadline. The sponsor is Senator Eddie Mayne (R).

UTAH SB 172 – HAZARDOUS WASTE - Creates a Task Force to study radioactive waste, hazardous waste, and commercial solid waste issues in Utah, including an evaluation of fees and taxes imposed on these wastes. Places a moratorium on any acceptance of class B or C radioactive waste through 15 February 2005. Introduced 3 February 2003. Passed Senate 25 February. Amended and passed House 3 March. Senate concurred in House amendments 4 March. Signed by Governor 15 March. The sponsor is Senator Curtis Bramble (R).

UTAH SB 187 – EMINENT DOMAIN - Clarifies a property owner's right to mediate or arbitrate disputes arising from eminent domain actions. Introduced 3 February 2003. Passed Senate 21 February. Passed House 5 March. Signed by Governor 19 March. The sponsor is Senator Parley Hellewell (R).

UTAH SJR 5 – WATER - Amends the Utah Constitution to repeal a provision prohibiting municipal corporations from disposing of waterworks, water rights, or operate its waterworks, water rights, and sources of water supply for supplying its inhabitants with water. Directs the Lieutenant Governor to submit this proposal to voters. Introduced 21 January 2003. Failed to meet 2 March crossover deadline. The sponsor is Senator Scott Jenkins (R).

UTAH SJR 9 – RADIOACTIVE WASTE - Relates to radioactive waste. Introduced 3 February 2003. Failed to meet 2 March crossover deadline. The sponsor is Senator Michael G. Waddoups (R).

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WYOMING

Regulatory Developments & Other State Information

PROPOSED REGULATION – MILITARY MUNITIONS RULE – On 23 April 2002, the Wyoming Water/Waste Advisory Board met to consider recommending adoption of the Military Munitions Rule (MMR). The Wyoming Department of Environmental Quality (DEQ) suggested that the Board recommend adoption of most, but not all, of the federal rule. DoD provided comments on DEQ's proposal. The issues have been resolved. DEQ is expected to repropose the regulation in the summer of 2003. For more information, contact Diane Connolly, WREO Regional Counsel at (303) 844-0955.

AIR INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL AIR REGULATIONS – The Wyoming Department of Environmental Quality (DEQ) has adopted EPA air regulations published between 1 July 2000 and 1 July 2001. The amendments include: (1) the revised definition of "major source;" (2) compliance assurance monitoring rule; (3) nutritional yeast manufacturing NESHAP; (4) vegetable oil production (solvent extraction) NESHAP; (5) ferroalloys production (ferromanganese and silicomanganese) NESHAP; (6) polymers and resins IV - PET production NESHAP; (7) synthetic organic chemical manufacturing industry NESHAP; (8) aerospace manufacturing and rework facilities NESHAP; (9) pulp and paper industry NESHAP; (10) small municipal waste combustion units NESHAP; and (11) commercial and industrial solid waste incineration units NESHAP. The regulations were effective 7 February 2003. For more information, contact Christine Jenkins at (307) 672-7457, or link: <http://deq.state.wy.us/aqd/index.asp?pageid=60>.

WATER INFORMATION:

FINAL REGULATION – CROSS CONNECTION CONTROL REQUIREMENTS – The Wyoming DEQ has adopted amendments to its cross connection control regulations. The amendments establish standards to prevent backflows of contaminated water. The amendments were effective 13 March 2003. For more information, contact Connie Osborne at (307) 777-7781, or link: <http://soswy.state.wy.us/RULES/5059.pdf>.

Legislative Developments

The 2003 legislative session convened 14 January. The information reported below was current as of 2 April. The Legislature adjourned 6 March. For more recent information on the legislative session, link <http://legisweb.state.wy.us>.

WYOMING HB 99 – GROUNDWATER - Creates licensure of water well drilling contractors and well pump installation contractors. Creates a board for examining water well drilling and well pump installation for the purpose of creating licensing procedures. Establishes fees, fines and examination requirements for contractors. Effective immediately. Introduced 14 January 2003. Passed House 27 January. Passed Senate 28 February. Signed by Governor Dave Freudenthal (R) 6 March. The sponsor is Representative James Hageman (R).

WYOMING HB 100 – WATER USE - Authorizes funds to be used to complete further studies of emergency power, water distribution, and water storage. Authorizes further study of the joint use of the well being drilled near the towns of Dayton and Ranchester. Increases funding for new water development throughout the state. Introduced 14 January 2003. Passed House 28 January. Passed Senate Signed by Governor 4 March. The sponsor is the Select Water Committee.

WYOMING HB 101 – WATER - Authorizes construction of water projects. Specifies terms and conditions of funding for projects. Increases the amount of water supply, water well, and water storage projects throughout the state. Effective immediately. Introduced and referred to House Agriculture, Public Lands, and Water Resources Committee 14 January 2003. Died upon failing to meet committee reporting deadline 7 February. The sponsor is the Select Water Committee

WYOMING HB 145 – TRANSPORTATION - Restricts the transport of flammable liquids in certain trailers and semitrailers. Effective 1 July 2003. Introduced 16 January 2003. Failed to pass prior to committee reporting deadline. The sponsor is Representative Harry Tipton (R).

WYOMING HB 146 –FUELS – Makes certain acts relating to liquefied petroleum gas containers unlawful. Effective 1 July 2003. Introduced 17 January 2003. Passed House 7 February. Died upon failing to meet committee reporting deadline 7 February. The sponsor is Representative Rodney Anderson (R).

WYOMING HB 147 – WATER USE - Provides for acquisition of temporary water use rights for municipal purposes. Provides for temporary downstream transfers of place of use. Introduced and referred to House Agriculture, Public Lands, and Water Resources Committee 17 January 2003. Died upon failing to meet committee reporting deadline 7 February. The sponsor is Representative Kurt Bucholz (R).

WYOMING HB 245 – EMISSION TRADING - Provides for an emission trading program through rules and regulations consistent with the Clean Air Act. Effective 1 July 2003. Introduced 28 January 2003. Passed House 10 February. Passed Senate 1 March. Signed by Governor 6 March. The sponsor is Representative Fred Parady (R).

WYOMING SF 23 – PROPERTY RIGHTS - Requires state and local governments to pay property owners if their action reduced the value of that property owner's property. Creates an Office for Private Property Rights to prepare briefs and intervene on behalf of property owners. Effective 1 July 2003. Introduced 15 January 2003. Died upon failing to meet committee reporting deadline 7 February. The sponsor is the Joint Agriculture, Public Lands and Water Resources Interim Committee.

WYOMING SF 62 – EMINENT DOMAIN - Clarifies that the right of eminent domain may be exercised for electric distribution systems. Effective immediately. Introduced 15 January 2003. Passed Senate 11 February. Signed by Governor 6 March. The sponsor is Senator Cale Case (R).

WYOMING SF 63 – WATER USE - Requires modifications to irrigation facilities to be appropriately installed and maintained. Effective immediately. Introduced 15 January 2003. Passed Senate 29 January. Senate concurred on House amendments March 3. Signed by Governor 7 March. The sponsor is Senator Cale Case (R).

WYOMING SF 72 – WATER USE - Authorizes temporary acquisition or transfer of water rights for instream flow. Allows instream flow for improvement of fisheries and habitat and other beneficial uses. Effective immediately. Introduced and referred to Senate Agriculture, Public Lands, and Water Resources Committee 15 January 2003. Died 7 February. The sponsor is Senator Cale Case (R).

WYOMING SF 89 – WATER USE - Authorizes construction of designated water projects. Specifies terms and conditions of funding for projects and provides appropriations. Effective immediately. Introduced 17 January 2003. Passed Senate 27 January. Passed House 21 February. Signed by Governor 28 February. The sponsor is the Select Water Committee.

WYOMING SF 146 – WATER USE - Provides for a temporary change in water use. Effective Immediately. Introduced and referred to Senate Agriculture, Public Lands, Water Resources Committee 29 January 2003. Died upon failing to meet committee reporting deadline 7 February. The sponsor is Senator Laness Northrup (R).

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